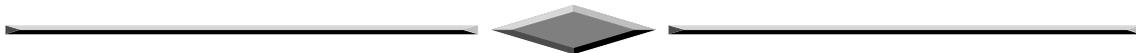


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Joanna Cortez, Associate Planner  
**DATE:** October 17, 2018

**SUBJECT:        CONDITIONAL USE PERMIT NO. 18-015 (NGUYEN 4-PLEX)**

**LOCATION:**       7792 Liberty Avenue, 92647 (south side of Liberty Ave., west of Beach Blvd.)



**Applicant:** Frank Le, 14211 Riata Street, Westminster, CA 92683

**Property Owner:** Tuan Nguyen, 14211 Riata Street, Westminster, CA 92683

**Request:** To permit the demolition of an existing single family dwelling and allow for the construction of four, two-story residential units (two units at 2,727 sq. ft. and two units at 3,027 sq. ft.) on a lot with a grade differential greater than three feet between the high and low points.

**Environmental Status:** This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

**General Plan:** RM (Residential Medium Density)

**Zone:** RM (Residential Medium Density)

**Existing Use:** Residential



**RECOMMENDATION:** Staff recommends approval of the proposed project based upon the following findings:

**SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of the construction of a four residential units in a residential zone, in an urbanized area.

## **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-015**

1. Conditional Use Permit No. 18-015 to permit the demolition of an existing single family dwelling and allow for the construction of four, two-story residential units on a lot with a grade differential greater than three feet between the high and low points will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the proposed development terraces with the existing grade. The finished surface is within a foot of the existing grade and the finished floor of the proposed buildings is within a foot of the finished surface. From the top of curb, the maximum height of the units is 30'-9". Therefore, the proposed structures is consistent with the natural grade. The new buildings will improve the value of the site and neighborhood, which consists of multifamily developments. It will not generate noise, traffic, odors, or other impacts at levels inconsistent with the existing residential character of the neighborhood. The proposed design and overall building height is not anticipated to impact surrounding properties because the site is surrounded by two-story buildings with similar design. The project will also provide new housing opportunities to the area.
2. The granting of the conditional use permit for the construction of four, two-story residential units on a lot with a grade differential greater than three feet between the high and low points will not adversely affect the General Plan because it is consistent with the Land Use Element designation of RM (Residential Medium Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

### Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy D: Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Goal LU-4: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Policy A: Encourage a mix of residential types to accommodate people with diverse housing needs.

The proposed four unit development is consistent with the existing multifamily residential neighborhood. The project incorporates quality materials and design such as stone veneer base, stucco and varied roof lines consistent with the City of Huntington Beach Urban Design Guidelines. The conditional use permit accounts for the unique characteristics of the project site, by allowing for development on a lot with a grade differential, based on plans which propose minimal alteration of the existing site grades. The project will be developed in a manner that is consistent with the neighborhood in terms of design, density, and building height. The grade elevations, building orientation, and massing will be compatible with other residential properties existing in the neighborhood. Finally, the proposed units also provide new housing opportunities to the area. Additionally, the project

is required to pay affordable housing in-lieu fees which will go towards the provision of housing for lower to moderate income households.

3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) in that the project complies with all applicable development standards and code requirements, including maximum building height, minimum yard setbacks, maximum site coverage and minimum onsite parking. The HBZSO allows development on parcels with a grade differential exceeding three feet between the high and low points of the lot with approval of a conditional use permit.

### **SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-015**

1. The site plan, floor plans, and elevations received and dated August 7, 2018 shall be the conceptually approved design.
2. Prior to submittal for building permits, the following shall be completed: Zoning entitlement conditions of approval and code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. The final building permit cannot be approved until the following have been completed:
  - a. All improvements must be completed in accordance with approved plans, except as modified by conditions of approval.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
  - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them
5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
6. CUP No. 18-015 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a

written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.

7. The Development Services Departments and divisions (Community Development, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.